

Minimum Control Measure 4-Construction site runoff control
Draft Language

4. Construction site stormwater runoff control.

a. Applicable Oversight Requirements

The operator shall utilize its legal authority such as ordinances, permits, orders, contracts and inter-jurisdictional agreements to address discharges entering the MS4 from the following construction activities:

- (1) Land disturbing activities that, at a minimum, result in the disturbance of 10,000 square feet or greater;
- (2) Land disturbing activities in Tidewater jurisdictions, as defined at § 10.1-2101 that disturb 2,500 square feet or greater and are located in areas designated as Resource Protection Areas (RPA), Resource Management Areas (RMA) or Intensely Developed Areas (IDA), subject to the Chesapeake Bay Preservation Area Designation and Management Regulations adopted pursuant to the Chesapeake Bay Preservation Act;
- (3) Land disturbance activities disturbing less than the minimum land disturbance identified in (1) or (2) for which local ordinance requires that an erosion and sediment control plan be developed; and,
- (4) Land disturbing activities on individual residential lots or sections of residential developments being developed by different property owners and where the total land disturbance of the residential development is 10,000 square feet or greater. The operator may utilize an "Agreement in Lieu of Plan" for those land disturbances identified in (4).

b. Required Plan Approval prior to land disturbance

The operator shall require that land disturbance not begin until a plan is approved by person holding a certificate of competence, as defined at 4VAC50-60-50 that is:

- (1) Consistent with the minimum standards identified at 4VAC50-30-40; or,
- (2) Consistent with Board approved annual standards and specifications.

Where applicable, consistent with any additional more stringent erosion and sediment control requirements established by state regulation or local ordinance.

c. Compliance and Enforcement

The operator shall inspect land disturbance activities for compliance with an approved erosion and sediment control plan or agreement in lieu of plan in accordance with the following schedule:

- (1) Upon initial installation of erosion and sediment controls;
- (2) At least once during every two-week period;
- (3) Within 48-hours of any runoff producing storm event; and,
- (4) Completion of the project prior to the release of any performance bonds.

47 Where an operator establishes an alternative inspection program as provided
48 by 4VAC50-30-60 B., the written schedule shall be followed and included in
49 the MS4 program plan.

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51 Operator inspections shall be conducted by personnel who hold a certificate
52 of competence in accordance with 4VC50-50-40.

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54 The operator shall promote to the public a mechanism for receipt of
55 complaints regarding regulated land disturbing activities and shall follow-up
56 on any complaints regarding potential water quality or compliance issues.

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58 The operator shall utilize its legal authority to require compliance with the
59 approved plan where an inspection finds that the approved plan is not being
60 properly implemented.

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62 The operator shall utilize its legal authorities to require changes to an
63 approved plan when an inspection finds that the approved plan is inadequate
64 to effectively control soil erosion, sediment deposition, and runoff to prevent
65 the unreasonable degradation of properties, stream channels, waters, and
66 other natural resources.

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68 The operator shall require implementation of appropriate controls to prevent
69 non-stormwater discharges, such as wastewater, concrete washout, fuels
70 and oils, and other illicit discharges identified during land disturbing activity
71 inspections to the MS4. The discharge of non-stormwater discharges other
72 than those identified at 4 VAC50-60-1220 through the MS4 is not authorized
73 under this permit.

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75 The operator shall maintain records documenting inspections for a period of
76 XX years after completion of the project.

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78 d. Regulatory Coordination

79 The operator shall implement procedures to require that large construction
80 activities as defined at 4 VAC 50-60-10 and small construction activities as
81 defined at 4 VAC 50-60-10 including municipal construction activities have
82 secured separate VSMP authorizations to discharge stormwater from the
83 Department.

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85 e. MS4 Program Plan requirements

86 The operator's MS4 Program Plan shall include:

- 87 (1) A description of the legal authorities to ensure compliance with [Minimum
88 Control Measure 4] such as permits, orders, contracts and inter-
89 jurisdictional agreements;
90 (2) Written plan review procedures and all associated documents utilized in
91 plans review;

- 92 (3) Documentation of certificate of competence of plan reviewers and
93 inspectors;
- 94 (4) For MS4 operators who obtain approved standard and specifications, a
95 copy of the current standard and specifications;
- 96 (5) Written inspection procedures and all associated documents utilized in
97 plans review including the inspection schedule;
- 98 (6) Written procedures for compliance and enforcement;
- 99 (7) The roles and responsibilities of each of the operator's departments,
100 divisions or subdivisions in implementing MCM 4. If the operator relies on
101 another party to implement portions of the MS4 Program Plan, a copy of
102 the written agreement must be retained in the MS4 Program Plan. Roles
103 and responsibilities shall be updated as necessary.

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105 f. Reporting Requirements

106 The operator shall track regulated land-disturbing activities and submit the
107 following information in all annual reports:

- 108 (1) Total number of regulated land-disturbing activities,
109 (2) Total disturbed acreage; and
110 (3) A summary of the enforcement actions taken.
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